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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/516,381	02/29/2000	Joseph C. Anders		1109

7590 12/05/2002

Gregory M Friedlander & Associates P C  
11 South Flordia Street  
Mobile, AL 36606-1934

EXAMINER

WEAVER, SCOTT LOUIS

ART UNIT

PAPER NUMBER

2645

DATE MAILED: 12/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/516,381	ANDERS ET AL.
	Examiner Scott L. Weaver	Art Unit 2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 01 November 2002.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-19 is/are pending in the application.

4a) Of the above claim(s) 1 and 5-19 is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 2-4 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 29 February 2000 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.

4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

## DETAILED ACTION

### *Election/Restrictions*

1. Claims 1 and 5-19 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 5.
2. This application contains claims 1 and 5-19 drawn to an invention nonelected with traverse in Paper No. 5. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

### *Drawings*

3. This application lacks formal drawings. The informal drawings filed in this application are acceptable for examination purposes. When the application is allowed, applicant will be required to submit new formal drawings.

### *Claim Rejections - 35 USC § 112*

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 2-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 ends at P.43,ln.18 with the period thereat and claim 3 appears to begin on (p.43,ln.19), however, on p.44,ln.18 there is presented what appears to be a second claim 3 but the previous claim 3 after the period on p.43,ln.18 does not definitely end as there is no period “.” on (p.44,ln.17).

Claim 2 causes confusion with respect to the purpose of the claim limitations when taken together with the purpose being for use in monitoring of telephone communications ((ln.11-12, p.43) as there is no clear monitoring provided via the limitations presented.

Claim 3 recites the limitations “the digital call”(p.43,ln.20), “the group various languages” (p.44,ln.2-3), “the word” (p.44,ln.2), “the call” (p.44,ln.13), and “the response” (p.44,ln.17), there is insufficient antecedent basis for these limitations in this claim.

Various definitions for the multiple abbreviations are not supplied in the claims, GUI, VDD, DG.

Claim 3 causes confusion with respect to “a digital data pack” (p.43,ln.20) containing ‘the digital call’ as it is not clear if this is intended to refer to the voice signals which have been converted in claim 2.

Claim 3 causes confusion (p.44,ln.2-3) with respect to ‘in a desired range of timing and frequency from the group of various languages’ as there appears to be no relation to anything related to the claim limitations previously presented and it is unclear what this intends to refer to.

Claim 4 causes confusion with respect to “the data” as it is not clear what data is definitely being referred to, further “would be” is indefinite in that it is not clear that the encoding is or is not making the data “unalterable without modification of the data”.

### ***Conclusion***

6. The patentability of claim 2-4 can not be determined at this time due to the confusion noted above with respect thereto.

7. The prior art made of record and not relied on is considered pertinent to the claimed invention, all references previously made of record in the parent application should be made of record by applicant as they are considered to be known thereto.

8. **Any response to this final action should be mailed to:**

**Commissioner of Patents and Trademarks  
Washington, D.C. 20231**

**or faxed to:**

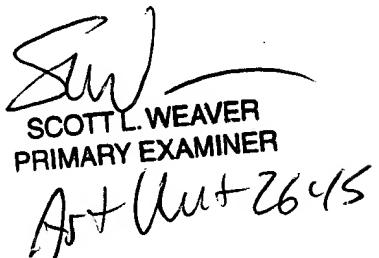
**(703) 872-9314, (for formal communications; please mark  
"EXPEDITED PROCEDURE")**

**Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).**

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott L. Weaver whose telephone number is (703) 308-6974. The examiner can normally be reached on Monday through Friday from 8:00 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (703) 305-4895.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4750 or 2600 customer service at 703-306-0377.

  
SCOTT L. WEAVER  
PRIMARY EXAMINER  
Art Unit 2645